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SUNPOWER CORPORATION, THOMAS H. WERNER,
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES
LITIGATION

Case No. CV 09-5473-RS (JSC)
(Consolidated)

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING CLASS
CERTIFICATION BRIEFING
SCHEDULE (Civ. L.R. 6-2) AS MODIFIED**

BY THE COURT

Judge: Hon. Richard Seeborg
Courtroom: 3, 17th Floor

1 WHEREAS, on March 5, 2012, this Court entered a Scheduling Order (ECF No. 190)
2 providing a deadline of September 28, 2012 for Plaintiffs' Motion for Class Certification
3 ("Motion"), a deadline of December 14, 2012 for Defendants' response, a deadline of February
4 8, 2013 for Plaintiffs' reply, and setting a hearing date of March 14, 2013;

5 WHEREAS, on September 28, 2012, Plaintiffs filed their Motion, seeking (1) the
6 certification of this matter as a class action, (2) the appointment of Lead Plaintiffs Arkansas
7 Teacher Retirement System, Första-AP Fonden, and Danske Investment Management A/S as
8 Class Representatives, and (3) approving co-Lead Counsel as Class Counsel (ECF No. 226);

9 WHEREAS, Defendants believe they need additional time to conduct discovery related
10 to class certification issues and respond to the Motion;

11 WHEREAS, Defendants have agreed they will use the additional time to pursue issues
12 pertaining to Class Certification and the related Federal Rule of Civil Procedure 23 factors;

13 WHEREAS, in light of the [proposed] scheduling changes and the upcoming holidays,
14 Defendants have agreed to work with Plaintiffs to reasonably accommodate the proposed Class
15 Representatives in scheduling convenient dates and locations for their respective depositions;

16 WHEREAS, Plaintiffs have agreed that Defendants shall have up to and including
17 January 25, 2013 to respond to the Motion; and

18 WHEREAS, nothing in this Stipulation is intended to waive either party's rights under the
19 Federal Rules of Civil Procedure and the Civil Local Rules of this District.

20 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as
21 follows:

22 (1) Defendants shall have up to and including January 25, 2013, to oppose or otherwise
23 respond to the Motion;

24 (2) Plaintiffs shall have up to and including March 22, 2013, to file any reply;

25 (3) The Motion shall be heard on April 4, 2013, at 1:30 p.m., or at such time thereafter
26 that is convenient to the Court, in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden
27 Gate Avenue, San Francisco, California. Further Case Management Conference continued to
28 April 4, 2013 at 1:30 p.m.

Respectfully submitted,

Dated: November 6, 2012

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By: /s/ Judson Lobdell
Judson Lobdell

*Attorneys for Defendants SunPower Corporation,
Thomas H. Werner, Dennis V. Arriola, and
Emmanuel T. Hernandez*

Dated: November 6, 2012

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By: /s/ Eli R. Greenstein
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1 Dated: November 6, 2012

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6 By: /s/ Laurence D. King

Laurence D. King

7 *Attorneys for Lead Plaintiffs Arkansas Teacher Retirement*
8 *System, Första-AP Fonden, and Danske Invest*
9 *Management A/S*

1 **ATTESTATION UNDER CIVIL LOCAL RULE 5-1(i)**

2 I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this
3 Stipulation and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest
4 that Benjamin Galdston, Eli R. Greenstein, and Laurence D. King have concurred in this filing.

5
6 Dated: November 6, 2012


/s/ Judson E. Lobdell
Judson E. Lobdell

7
8 *** **

9
10 ~~**[PROPOSED]**~~ **ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12
13 Dated: 11/9 _____, 2012

14 

HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE